

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL GORE,

Plaintiff,

v.

SUPERINTENDENT NEWLIN *et al.*,

Defendants.

Case No. C05-5841 FDB

ORDER ADOPTING REPORT
AND RECOMMENDATION
DISMISSING ACTION WITH
PREJUDICE

This civil rights action alleging a violation of the Eighth Amendment right to be free from cruel and unusual punishment comes before the Court on the Report and Recommendation of the Magistrate Judge that Defendants' motions for summary judgment be granted and Plaintiff's action be dismissed. As detailed by the Magistrate Judge, it appears that Plaintiff has abandoned this action. Plaintiff has not placed any evidence before the Court to support his claims and the Defendants are entitled to summary judgment as a matter of law. Plaintiff has not filed an objection.

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Kelley Arnold and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) This action is **DISMISSED WITH PREJUDICE**.
- (3) Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants, and to the Hon. J. Kelley Arnold.

DATED this 22nd day of January, 2007.

A handwritten signature in black ink, appearing to read 'Franklin D. Burgess', is written over a horizontal line.

FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE

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